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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 10/697,049  | 10/31/2003  | Toshiaki Hata        | Q77939               | 8383             |
| 23373   | 7590        | 10/05/2005           | EXAMINER             |                  |
| SUGHRUE MION, PLLC<br>2100 PENNSYLVANIA AVENUE, N.W.<br>SUITE 800<br>WASHINGTON, DC 20037 |             |                      | SHIMIZU, MATSUICHIRO |                  |
|   |             |                      | ART UNIT             | PAPER NUMBER     |
|   |             |                      | 2635                 |                  |

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/697,049             | HATA, TOSHIAKI      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Matsuichiro Shimizu    | 2635                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 6-10 is/are rejected.
- 7) Claim(s) 2-5 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/31/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

### Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States

before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Konno et al. (6,914,516).

Regarding claim 1, Konno teaches an antitheft device for a vehicle (Fig. 1, portable transmitter 12 and scooter) which is propelled by a driving force of an engine, said device comprising:

an operation-equipment limiting part for limiting the operation of operation equipment for said vehicle through external operation (Fig. 1, portable transmitter 12);

a first switch (Fig. 1, col. 7, lines 11–13, lock button on portable transmitter 12 to transmit an ID code) adapted to be turned on from the outside to send a first prescribed ID code;

an operation-equipment operation determining part that receives said first ID code to generate permission information (col. 5, lines 27–53, collation coincidence signal) for releasing a limited state of said operation equipment; col. 6, lines 62–67, engine can be started upon permission information) caused by said operation-equipment limiting part;

a nonvolatile memory for storing said permission information (col. 6, lines 62–67, storage or collation result holding means 23 associated with permission information); and

an engine operation limiting part (col. 6, lines 62–67, outputting of permission information from holding means 23) that permits the operation of said engine in response to said permission information, and limits (col. 6, lines 62–67, within the short preset time to start the engine) the operation of said engine based on an operating state of said engine;

wherein said operation-equipment operation determining part stores in advance a second ID code corresponding to said first ID code (col. 5, lines 27–53, ID code transmitted 12), collates said first ID code with said second ID code (col. 5, lines 27–53, second ID or predetermined ID code stored), and generates said permission information (code (col. 5, lines 27–53, coincidence upon ID matching) thereby to permit the operation of said operation equipment as well as to make said permission information stored in said nonvolatile memory, when the collation result of said first and second ID codes indicates coincidence therebetween.

*Claim Rejections – 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konno in view of Yoshizawa (6,414,586).

Regarding claim 6, Konno is silent on said first switch includes a key and a key cylinder for said vehicle; and said first ID code is sent by said key's being inserted into said key cylinder.

However, Yoshizawa teaches, in the art of vehicle security system, said first switch includes a key and a key cylinder for said vehicle; and said first ID code is sent by said key's being inserted into said key cylinder (col. 3, lines 33–51, a key 10 in the steering column key receptacle wherein ID code is transmitted) for the purpose of providing engine start. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include said first switch includes a key and a key cylinder for said vehicle; and said first ID code is sent by said key's being inserted into said key cylinder in the device of Konno because Konno suggests lock button in the transmitter and Yoshizawa teaches said first switch includes a key and a key cylinder for said vehicle; and said first ID code is sent by said key's being inserted into said key cylinder for the purpose of providing engine start.

Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konno in view of Mueller et al. (6,140.914).

Regarding claim 7, Konno is silent on warning from vibration sensor. However, Mueller teaches, in the art of vehicle security system, warning from vibration sensor (col. 9, lines 17–36, shock warning 250' associated with vibration warning) for the purpose of providing antitheft feature. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include warning from vibration sensor in the device of Konno because Konno suggests lock button in the transmitter and Mueller teaches warning from vibration sensor for the purpose of providing antitheft feature.

Claims 8–10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konno in view of Espinosa (5,448,218).

Regarding claims 8–9, Konno is silent on interrupting an ignition signal to limit engine operation, and bringing engine into stopped state and impossible to restart.

However, Espinosa teaches, in the art of vehicle security system, interrupting a fuel supply signal to limit engine operation (col. 3, lines 58 to col. 4, line 16, fuel valve control via fuel supply signal), and bringing engine into stopped state and impossible to restart (col. 4, lines 17–26, bringing engine in stopped state and subsequently impossible to restart) for the purpose of providing antitheft feature. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include interrupting a fuel supply signal to limit engine operation, and bringing engine into stopped state and impossible to restart in the device of Konno because Konno suggests lock button in the transmitter and Espinosa teaches

interrupting a fuel supply signal to limit engine operation, and bringing engine into stopped state and impossible to restart for the purpose of providing antitheft feature.

*Allowable Subject Matter*

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 2, the prior arts fail to teach or fairly suggest a second switch adapted to be turned on from the outside to send a third prescribed ID code;

wherein said operation-equipment operation determining part stores in advance a fourth ID code corresponding to said third ID code, collates said third ID code with said fourth ID code generates limitation information for limiting the operations of said engine and said operation equipment and deletes the permission information in said nonvolatile memory, when the collation result of said the third and fourth ID codes indicates coincidence therebetween; and

said engine operation limiting part limits the operation of said engine in response to said limitation information.

Claims 3–5 are directly/ or indirectly dependent on claim 2, therefore, the prior arts fail to teach or fairly suggest claims 3–5 for same reason that the prior arts fail to teach or fairly suggest claim 2.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is 571-272-3066. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3068.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

October 2, 2005



MICHAEL HORABIK  
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